

REMARKS

Of original claims 1-14 in the application, the Examiner rejected all claims under 35 U.S.C. §103. The Examiner also objected to the Specification because the Abstract uses the word "means".

Addressing first the objection to the Specification, Applicant has not only amended the Abstract to remove all instances of "means", but has also filed a Substitute Specification correcting a number of informalities noted by the undersigned. A marked-up copy of the original literal translation of the specification is filed herewith showing the changes made to the original specification to arrive at the Substitute Specification. The only changes made to the Substitute Specification are those shown on the marked-up copy. No new matter was added. The Substitute Specification takes into consideration all amendments to date.

The Examiner also objected to language in claims 2 and 8. In accordance with the Examiner's suggestion Applicant has replaced "means" with "device".

Turning now to the Examiner's rejections of all claims under 35 U.S.C. §103(a), the subject matter of these claims was not obvious to one of ordinary skill in the art from the admitted prior art in view of *Jenkins et al.* (6,264,104), at the time of the invention.

It is noted that claim 1 has been rewritten as claim 15 because so many changes were made to claim 1 to make it read better. It was less confusing to rewrite it as a new claim 15. Claim 1 has been cancelled.

It is also noted preliminarily that the limitations of claim 13 have been added to claims 2 and 5, and new claims 16 and 17, and that claim 13 has been cancelled.

Jenkins does not describe an operating field (control panel) for an X-ray examining device. *Jenkins* is directed to a vending system, with goods and services being ordered by an electronic catalog device from a remote location, somewhat like "online shopping". There is very little relationship between this and the operator unit for an X-ray examining apparatus recited by Applicant in independent claim 15 and mentioned in the admitted prior art. In other words, there are different considerations, and these two different types of prior art are non-analogous to one another.

None of the documents applied by the Examiner (other than the prior art admitted by Applicant himself) are associated with X-ray examining devices, but rather describe various identification systems. Because the prior art cited by the Examiner is so far afield from Applicant's claimed invention a comparison, or combination, between the admitted prior art and the other patents cited is difficult to make. This application does not claim an

identification system itself, rather an improvement of a known operator unit for an X-ray examining apparatus such that an operator of the X-ray examining apparatus is positively identified during his time of operation so that a misuse is prevented and the X-ray examining apparatus can be automatically placed in a mode of operation customized to the particular operator.

In the prior art described in the application, an operator enters his digital identification code using an existing operating field of an operator unit of an X-ray examining apparatus, this would appear to be sufficient for proper use of X-ray examining apparatus, but Applicant has discovered that a more positive identification is desirable for an X-ray examining apparatus. In this regard, Applicant has found that there are a number of unexpected results derived from using an operator identification system that is separate from the operating field for operating the X-ray examining device, as Applicant now basically cites in claim 15. That is, by having an identification system in addition to the manual X-ray examining device operating field the identification of the operators during their times of operation can be kept track of for a series of many different operators, in a much more positive way than in the admitted prior art. Further, an identification-means type identification system, as Applicant recites in claim 15, can provide information to the X-ray examining

apparatus for customizing the manner in which the X-ray examining apparatus functions for a particular operator. These considerations of keeping track of operators and customizing X-ray examining apparatus are not present in other technical areas, such as those cited by the Examiner.

It should be noted here that operating units for prior art X-ray examining devices have a limited number of, and mostly specialized, keys for making entries. Most operating units for X-ray examining devices have keys for such functions as "reverse conveyor belt", "stop conveyor", "forward conveyor", etc. In fact, it is desirable not to have many keys so that operation of the X-ray examining device is more intuitive. Thus, in the past many operators have had the same individual codes, or a previous operator has simply not logged out before a new operator starts. Thus, there has been a long-felt need for Applicant's invention, but neither this need nor Applicant's claimed solution has been previously recognized, as shown by the prior art of record. This is a sign of non-obviousness.

Claims 16 and 17, which depend from claim 15, recite an identification system that is integrated into the operator unit in a particular manner for providing use of the X-ray examining device in a first mode of operation, but only so long as the operator currently using the device remains positively identified by the

identification means remaining in a predetermined space.

All of the devices cited by the Examiner rely on an operator inputting data, either by hand or with a card so that a system can identify the originator of a transaction, or transactions. However, none of them concerns an identification means that provides continuous and automatic identification of a sequence of operators over periods of time. It would perhaps be possible to have live scanners for positively identifying operators for X-ray examination devices by their physical characteristics, which would be expensive and difficult, and Applicant's system is perhaps akin to this. Again, many systems use names or pins; however, these systems do not continuously positively identify the persons who are actually operating machines.

Connected with an effort to provide a greater certainty of the X-ray controllers, a determination of an exact sequence of the operators who examine objects must be guaranteed, unlike requirements for the systems cited by the Examiner. Even during training procedures of schools for operators, a positive identification of the operators during all time slots is helpful.

Thus, firstly, the combination of references suggested by the Examiner does not make obvious an identification system for an X-ray examining device in addition to an operating field, since none of these, except the admitted prior art and *Aust et al.*, discloses,

or concerns, or is even analogous to, an X-ray examining device. The patents to *Rawson et al.*, *Kim*, and *Schmitt et al.* concern only access-allowing devices to patient information. In other words, access for transactions. But even more particularly, none of these systems discloses or makes obvious the presence of an identification means moved by an operator into a predetermined space for activating an X-ray-examining-apparatus operating unit in a first mode of operation until the removal of the identification means at least partially, or even automatically, activates the operating unit to a second different mode of operation, as Applicant recites in claims 16 and 17. This is especially true where the identification means remains attached to the operator when it is in the predetermined space, as recited in claims 2 and 5. Further, the prior art does not teach or make obvious identification means of different operators causing different first modes of operation, as recited in claim 11.

Claims 2-12, 14, 16 and 17 depend from claim 15 and are, therefore, patentable for the same reasons as claim 15, as well as additional reasons.

Conclusion

In view of the above amendments and remarks, this application appears to be in condition for allowance and the Examiner is,

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therefore, requested to reexamine the application and pass the claims to issue.

Attached hereto is a clean copy reflecting the changes made to the application by this Amendment.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at telephone number (703) 205-8000, which is located in the Washington, DC area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Marked-up Version of Original Specification
 Substitute Specification
 Clean Copy

(Rev. 12/19/01)

CLEAN COPY

IN THE CLAIMS:

Please cancel claims 1 and 13 without prejudice or disclaimer of the subject matter contained therein.

Please amend the claims as follows (all claims remaining in the application are listed below, with only those so indicated being amended):

1. Cancel claim 1.

Sub C1
B1
2. (TWICE AMENDED) The operator unit according to claim 15, wherein the counterpart device (3) is a card reader and said identification means is a card, said card reader and said card being structured such that said card reader can read said card with the card remaining attached to said operator.

3. (TWICE AMENDED) The operator unit according to claim 15, wherein the identification means (4) is a contacting identification device that can remain attached to said operator when said identification means is in said predetermined space, so that said identification means is automatically moved from said predetermined space when said operator leaves said operating field.

4. (TWICE AMENDED) The operator unit according to claim 3, wherein

the contacting identification device (4) is one of a chip card and a magnetic card.

5. (TWICE AMENDED) The operator unit according to claim 15, wherein the identification device (4.1) is an identification device which operates without contact and can remain attached to said operator when said identification means is in said predetermined space, whereby said identification means is automatically moved from said predetermined space when said operator leaves said operating field.

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6. (TWICE AMENDED) The operator unit according to claim 5, wherein the identification device is one of a transceiver unit and a transponder which works together with the counterpart device (3.1) of the identification system without contact.

7. (TWICE AMENDED) The operator unit according to claim 5, wherein a non-contact link between the identification device (4.1) and the counterpart device (3.1) is maintained within a local area (N) proximate to said operating field.

8. (TWICE AMENDED) The operator unit according to claim 15, wherein the counterpart device (3, 3.1) has a respective one of a read and write mode by means of which the identification device (4, 4.1) is

respectively one of read from and written on with respective installation- and person-specific data.

9. (TWICE AMENDED) The operator unit according to claim 8, wherein there is a read mode by means of which the identification device is read from, and wherein read data is recorded in various X-ray apparatus and is caused to be combined and stored centrally by the identification device (4, 4.1).

10. (TWICE AMENDED) The operator unit according to claim 15, wherein the counterpart device (4, 4.1) is integrated into the operating field (2).

11. (TWICE AMENDED) The operator unit according to claim 15, wherein an individual operator-unit setting is accomplished by means of the identification means (4, 4.1), whereby the identification means of a first operator activates the operating unit to a different first mode of operation than would the identification means of the second operator.

12. (TWICE AMENDED) The operator unit according to claim 15, wherein the operator unit is cleared by the identification device (4, 4.1) upon the operator unit entering the second different mode

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of operation upon the operator moving the identification means away from the predetermined space.

13. Cancel claim 13.

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Sub C2*

14. (TWICE AMENDED) The operator unit according to claim 15, wherein a live scanner (20) is also connected upstream from the identification system.

Please add new claims 15-17.